

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BEAU D. JAMMES,

Plaintiff,

Case No. 23-cv-1612-pp

v.

OFFICER CRUNE, *et al.*,

Defendants.

**ORDER DISMISSING CASE FOR PLAINTIFF'S FAILURE TO PAY FILING
FEE OR FILE A REQUEST TO PROCEED WITHOUT PREPAYING IT**

On November 30, 2023, plaintiff Beau D. Jammes—who was incarcerated at the time he filed the complaint and is representing himself—filed a civil rights complaint under 42 U.S.C. §1983 alleging that the defendants had violated his constitutional rights. Dkt. No. 1. The plaintiff did not file a motion to proceed without prepaying the filing fee.

On December 1, 2023, the clerk's office sent the plaintiff a letter advising him that the filing fee for the case was \$405 and that if he could not pay that fee he could file a request to proceed without prepaying it (along with his institution trust account statement). Dkt. No. 2. The court advised the plaintiff that within twenty-one days of the date on the letter—in other words, by December 22, 2023—he must either pay the filing fee or file a request to proceed without prepaying it. *Id.* The letter also advised the plaintiff that failure to comply “may result in the Court’s dismissal of your case without further

notice.” Id. The clerk’s office sent the letter to the plaintiff at the Outagamie County Jail—the address the plaintiff had listed on his complaint (Dkt. No. 1 at 1-2).

On December 11, 2023, the postal service returned to the clerk’s office as undeliverable the letter sent on December 1. Dkt. No. 3. In another case he had filed with this court, the plaintiff had notified the court that his address had changed (Case No. 23-cv-911, Dkt. No. 21), so on December 12, 2023, the clerk’s office re-sent the letter to the plaintiff at his reported address on College Avenue in Appleton, Wisconsin. On December 22, 2023, the court received from the plaintiff a notice of change of address stating that as of December 14, 2023, he lived on Paradise Drive in Warsaw, Missouri, dkt. no. 4, and on December 26, 2023, the letter the clerk’s office sent to the plaintiff on College Avenue was returned as undeliverable, dkt. no. 5. On January 4, 2024, the clerk’s office sent a *third* letter, this time to the address on Paradise Drive in Warsaw, Missouri, giving the plaintiff twenty-one days (or until January 25, 2024) to either pay the full filing fee or file a motion to proceed without prepaying it. Dkt. No. 6. This letter again advised the plaintiff that if he did not pay the filing fee or ask to proceed without paying it by the twenty-one-day deadline, the court may dismiss his case. Id.

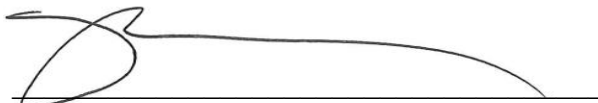
The January 25, 2024, deadline has passed, and the plaintiff has neither paid the filing fee nor filed a motion asking to proceed without prepaying it. The January 4, 2024 letter from the clerk’s office has not been returned to the

court as undeliverable. As the letter from the clerk's office warned the plaintiff it could do, the court will dismiss this case.

THE COURT ORDERS that this case is **DISMISSED WITHOUT PREJUDICE** for the plaintiff's failure to pay the filing fee or file a request to proceed without prepaying it. The clerk will issue judgment accordingly. The plaintiff may refile his complaint at a later date, subject to any relevant statutes of limitation.

Dated in Milwaukee, Wisconsin this 8th day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge